

## REMARKS/ARGUMENTS

### STATUS OF CLAIMS

Prior to entry of the present Amendment, claims 1 and 8-15 were pending in the present application. By this Amendment, claims 1 and 8 are amended, leaving claims 9-15 unchanged. Claims 2-7 were withdrawn previously in response to a Restriction Requirement.

### CLAIM REJECTIONS – 35 U.S.C. §102

On pages 2-4 of the Office Action, claims 1, 9-11, AND 13-15 are rejected under 35 U.S.C. §102(e) as being anticipated by Fichera et al. (U.S. Patent No. 6,853,555).

Claim 1 is hereby amended and calls for:

A method for forming a heat transfer device for dissipating heat comprising the steps of:  
arranging a plurality of fins that are formed with openings that substantially align with one another so as to define a die;  
forming a collar raised around at least part of each of said openings;  
driving a heat pipe into said die so as to deform the heat pipe thereby forming at least one flattened surface and wherein an outside shape of the heat pipe is complementary with said openings; and  
supporting said fins upon the heat pipe such that the heat pipe substantially defines a mounting base for said heat transfer device, and is attachable to a heat source for thermal energy exchange with said heat source.

*(Amendment marks not shown)*

Fichera et al. disclose a method of constructing a tube-in-plate heating or cooling system in which a tube 30 is pressed into a groove 12 in a plate 10 such that the channel holds the tube in place, but without any collar or other similar structure as claimed in amended claims 1. (Fichera et al., *Abstract*). The groove defined in the plate appears to lie entirely within the plane of the plate. Thus, Fichera et al. fail to teach or suggest, among other things, a method for forming a heat transfer device comprising “forming a collar raised around at least part of each of said openings” as claimed in amended claim 1. Fichera et al. also fail to provide any motivation regarding why such a collar would be useful or necessary, or what the purpose or function of such a collar would be. In this regard, the Applicant notes the indication of allowability of claim

8 by the Examiner, and has hereby modified claim 1 to incorporate the collar referenced in allowable claim 8.

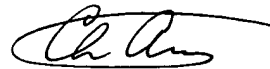
Accordingly, withdrawal of the 35 U.S.C. §102(e) rejection of claim 1 in view of Fichera et al. is therefore respectfully requested.

Claims 9-11 and 13-15 each depend from amended claim 1, and are therefore allowable based upon independent claim 1 and upon other features claimed in claims 9-11 and 13-15 but not discussed herein. Withdrawal of the 35 U.S.C. §102(e) rejection of claims 9-11 and 13-15 in view of Fichera et al. is therefore respectfully requested.

#### CONCLUSION

In view of the foregoing, entry of the present Amendment and reconsideration of pending claims 1 and 8-15 are respectfully requested. The undersigned is available for telephone consultation at the Examiner's convenience.

Respectfully submitted,



Christopher B. Austin  
Reg. No. 41,592

Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, WI 53202-4108  
414.271.6560